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**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/515,813    02/29/00    HANEBRINK

T    473-009270-U

EXAMINER

PM82/0831

Perman & Green LLP  
425 Post Rd  
Fairfield CT 06430

LOUIS JACQUES, J

ART UNIT

PAPER NUMBER

3661

DATE MAILED:

08/31/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/515,813

Applicant(s)

HANEBRINK, THOMAS

Examiner

Jacques H. Louis-Jacques

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

The drawings are objected to because the boxes must be labeled. For example, in figure 1, item 11 should be labeled "Mobile Phone".

Correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Sumizawa [6,185,503].

Sumizawa discloses a navigation system reports on a traffic control point and a traffic jam location by voice on a route, various types of traffic information are received by an FM multiplex receiver. If the received traffic information set, the distance from the current position to the tail end of the traffic jam location is calculated and is reported

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by voice through a speaker. A means for route setting that sets a route to a destination, a position detection device that detects a current position, a reception device that receives traffic information from outside and a reporting device that, when the traffic information received by the reception device indicates that there are a plurality of locations which may constitute a hindrance to traveling on the route that has been set, calculates the distances from the current position detected by the detection device to the locations that may constitute a hindrance and then issues a voice report on the nearest one. The length of the traffic jam may be reported in addition to the distance to the traffic jam location. When there is a plurality of traffic jam locations or traffic control points, a voice report may be issued on all of them. Only traffic jam locations or traffic control points that are within a specific distance from the current position may be reported. Also, according to Sumizawa, the traffic messages or locations are outputted based on their distances to the current position of the vehicle.

4. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Goss et al [5,933,094].

Goss et al discloses a device for editing and outputting information for a motor vehicle, wherein there is provided a receiver for digitally coding traffic messages. According to Goss et al, the traffic messages are stored along with the locations of the traffic. The location of the vehicle is compared to the locations of the traffic messages. There is provided a Global Positioning System GPS for determining the positions of the vehicle. The direction of the vehicle is also determined. See column 1. The device

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according to Goss et al is such that it does not provided unnecessary traffic messages that are not relevant to the driver. In accomplishing this, the device of Goss et al outputs traffic messages based on distance of the present location of the vehicle and the traffic location. See column 2. Also, the traffic messages are updated in accordance with predefined time periods. As further described in columns 7 and 8, the traffic messages and/locations are outputted according to some kind of priority or weight (resistance value) associated with the distances between the present location of the vehicle and the locations of the traffic.

*Response to Amendment*

5. The amendments along with the arguments filed therewith have been entered and carefully considered by the examiner.

The objections to the specification and the claims have been withdrawn. However, the objection to the drawings is maintained.

Applicant contended that none of the applied prior art references teaches outputting traffic messages based on distances.

A close look of the references reveals that such feature is disclosed.

Goss et al, among other features, discloses a memory (22), sensors (21), a display (7) and an auto navigator. There is also provided a voice synthesizer (1\*), a location (list) and a receiving part (12). As set forth in column 2, lines 42-53, Goss et al discloses that an automatic selection can be made with the aid of the TMC system on the basis of the instantaneous position in that traffic messages are selected, for example, which relate to

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locations having a predefined distance from the instantaneous positioning. According further to Goss et al, the auto navigator transmits the instantaneous positioning to the receiver and for the receiver to select messages on the basis on the transmitted position. It is cleat from this disclosure that traffic messages are being outputted based on distances.

As to the 6185503 patent, Sumizawa discloses, for example in columns 11-13 that traffic messages are provided based on distance.

Both the Goss et al and Sumizawa patents disclose the claimed features of the present application.

The additional references, in particular the Japanese document, disclose the claimed features.

In light of the foregoing, the claims remain rejected and this office action is made final.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

JP 06168396A	Uchiyama et al	Jun. 1994
5,739,773	Morimoto et al	Apr. 1998
5,635,924	Tran et al	Jun. 1997
5,289,184	Suzuki	Feb. 1994

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is (703) 305-9757. The examiner can normally be reached on M-Th, 8:30 AM - 5:00 PM (Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1111.

**Jacques H. Louis-Jacques**  
**Primary Examiner**  
**Art Unit 3661**

/jlj  
August 29, 2001

*Jacques Louis-Jacques*  
JACQUES H. LOUIS-JACQUES  
PRIMARY EXAMINER